

To: Seligman, Andrew[Seligman.Andrew@epa.gov]
From: Shamet, Stefania
Sent: Mon 2/2/2015 6:42:44 PM
Subject: RE: draft Aqueduct letter

I get that. Sounds like Shawn's approval is conditioned on DOE not raising any big issues tomorrow. (ugh – so much for our plan just to send it to them after the fact). So now Shawn has put them in an approval position. (double-ugh). Email was a reminder to Shawn (note he got added) and Jon that timing is becoming an issue and we can't let DDOE drag this out.

From: Seligman, Andrew
Sent: Monday, February 02, 2015 1:39 PM
To: Shamet, Stefania; Capacasa, Jon; McGuigan, David
Cc: Field, Stephen; Garvin, Shawn; Scalia, Kim
Subject: RE: draft Aqueduct letter

Kim Scalia is preparing the package.

Andrew F. Seligman
Environmental Scientist & Enforcement Officer
NDPES Enforcement Branch
1650 Arch Street, 3WP42
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(215)814-2097

"The Wind and Waves are always on the side of the ablest Navigators"

Edward Gibbon, English Historian 1734-1794

"There is no education like adversity"

Benjamin Disraeli, British Prime Minister

From: Shamet, Stefania
Sent: Monday, February 02, 2015 1:38 PM
To: Capacasa, Jon; McGuigan, David; Seligman, Andrew
Cc: Field, Stephen; Garvin, Shawn
Subject: RE: draft Aqueduct letter

Recall that the sturgeon spawning season restriction is fast-approaching (Feb. 14). Aqueduct needs approval from us in the next couple of days if they are to complete the bypass before the spawning season.

From: Capacasa, Jon
Sent: Monday, February 02, 2015 12:59 PM
To: Shamet, Stefania; McGuigan, David; Seligman, Andrew
Cc: Field, Stephen
Subject: RE: draft Aqueduct letter

I gave Shawn a mini briefing on this today and he is aware and OK assuming DDOE doesn't raise major issues tomorrow.

From: Shamet, Stefania
Sent: Monday, February 02, 2015 11:32 AM
To: McGuigan, David; Seligman, Andrew; Capacasa, Jon
Cc: Field, Stephen
Subject: RE: draft Aqueduct letter

Here's the final version incorporating Dave's comments and a couple of typos that Tom caught.

From: McGuigan, David
Sent: Monday, February 02, 2015 11:26 AM
To: Shamet, Stefania; Seligman, Andrew; Capacasa, Jon
Cc: Field, Stephen
Subject: RE: draft Aqueduct letter

Andrew,

Could you put the letter into concurrence. Let's get this out today.

David

David B. McGuigan, Ph.D.

Associate Director

Office of NPDES Permits and Enforcement

Water Protection Division

Tel: 215-814-2158

Cell: 215-514-9651

From: Shamet, Stefania
Sent: Friday, January 30, 2015 4:54 PM
To: McGuigan, David; Seligman, Andrew; Capacasa, Jon
Cc: Field, Stephen
Subject: Re: draft Aqueduct letter

Are you sure you don't want to keep the first two? I would think DCDOE would want their efforts acknowledged. (Agree with the second two -- I needed to vent, I think)

From: McGuigan, David
Sent: Friday, January 30, 2015 3:59 PM
To: Seligman, Andrew; Shamet, Stefania; Capacasa, Jon
Cc: Field, Stephen
Subject: RE: draft Aqueduct letter

Is this my soft side speaking? I would not include those three paragraphs, we just need to focus on that we are amending our conditions of approval. DC DOE is a little testy these days, and I am sure it would just initiate an exchange. Lets strike these paragraphs

~~——— On November 28, 2014, DCDOE informed the Aqueduct that DCDOE desired to send inspectors to observe the bypass discharge, and the Aqueduct notified DCDOE that it intended to commence the bypass discharge of Basin 2 on November 30. On December 2, 2014, DCDOE notified EPA that its observations of the discharge raised concerns and recommended that the bypass discharge be suspended. The Washington Aqueduct agreed to suspend the discharge and promptly did so. Based upon recommendations by DCDOE, the Washington Aqueduct agreed to increase the amount of water used to flush the discharge from Basin 2 and to collect samples of the discharge and analyze them for TSS. The Washington Aqueduct also provided an estimate of the amount of sediment in the basins. The bypass discharges from Basin 2 were completed in late December 2014.~~

~~——— On January 12, 2015, the Washington Aqueduct notified DCDOE that it intended to commence the bypass discharge from Basin 1 through Outfall 004 on January 13, 2015. Shortly after the discharge commenced, DCDOE requested that it be suspended, and the Washington Aqueduct agreed. In a series of telephone calls and emails and by letter dated January 27, 2015, DCDOE raised concerns about the concentration of solids in the discharge and provided recommendations.~~

~~——— DCDOE's January 27, 2015 letter appears to contain a number of misconceptions. For example, certain statements in DCDOE's letter appears to assume that the bypass discharge includes 100% of all solids introduced into the basin for the past two years. That appears to be incorrect. The Washington Aqueduct represents that during the past two-year period, a dredge was operated and was partially removing solids from the basins. Consequently, according to the Washington Aqueduct, the solids in the basin do not represent 100% of all solids introduced into the basin for the past two years. In addition, certain statements in DCDOE's letter appear to reflect confusion regarding the concept of bypass. A bypass by definition is a diversion from installed treatment. The bypass provision is a standard permit condition (see 40 C.F.R.~~

~~§ 122.41(m)) that may take into account emergency conditions that may cause permit non-compliance under certain, very limited conditions. Where the permittee has sought and received approval for an anticipated bypass, there is no permit violation.~~

~~— Nevertheless, DCDOE has raised valid water quality concerns and identified ways in which water quality may be further protected during the bypass discharge. EPA appreciates DCDOE's efforts to protect water quality in the District of Columbia.~~

And amend the following to read:

For the reasons set forth in EPA's November 10, 2014 letter and after further consultation with the Army Corps and DCDOE, EPA determines that the requirements ...

What do you think?


David


David B. McGuigan, Ph.D.

Associate Director

Office of NPDES Permits and Enforcement

Water Protection Division

Tel: 215-814-2158 

Cell: 215-514-9651 

From: Seligman, Andrew

Sent: Friday, January 30, 2015 3:23 PM

To: Shamet, Stefania; McGuigan, David; Capacasa, Jon

Cc: Field, Stephen

Subject: RE: draft Aqueduct letter

Stef—Looks good.

David?

Andrew F. Seligman

Environmental Scientist & Enforcement Officer

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From: Shamet, Stefania

Sent: Friday, January 30, 2015 3:14 PM
To: Seligman, Andrew; McGuigan, David; Capacasa, Jon
Cc: Field, Stephen
Subject: draft Aqueduct letter

Attached is a draft of the Aqueduct letter. I've sent just the bullets to Tom to make sure I've captured things correctly.

Andrew – Please review the letter and PLEASE double-check the dates (esp. the 2014/2015 dates) and make sure I've captured the back-and-forth accurately.

Tom says we can send on Monday, so let's plan on that.

We also need to respond to DCDOE's January 27 letter. I would suggest that Jon prepare a short cover email to DCDOE thanking them for their letter and forwarding this letter as our response. But defer to you.

Jon/Dave – Note the following three paragraphs and make sure you are ok:

On January 12, 2015, the Washington Aqueduct notified DCDOE that it intended to commence the bypass discharge from Basin 1 through Outfall 004 on January 13, 2015. Shortly after the discharge commenced, DCDOE requested that it be suspended, and the Washington Aqueduct agreed. In a series of telephone calls and emails and by letter dated January 27, 2015, DCDOE raised concerns about the concentration of solids in the discharge and provided recommendations.

DCDOE's January 27, 2015 letter appears to contain a number of misconceptions. For example, certain statements in DCDOE's letter appears to assume that the bypass discharge includes 100% of all solids introduced into the basin for the past two years. That appears to be incorrect. The Washington Aqueduct represents that during the past two-year period, a dredge was operated and was partially removing solids from the basins. Consequently, according to the Washington Aqueduct, the solids in the basin do not represent 100% of all solids introduced into

the basin for the past two years. In addition, certain statements in DCDOE's letter appear to reflect confusion regarding the concept of bypass. A bypass by definition is a diversion from installed treatment. The bypass provision is a standard permit condition (*see* 40 C.F.R.

§ 122.41(m)) that may take into account emergency conditions that may cause permit non-compliance under certain, very limited conditions. Where the permittee has sought and received approval for an anticipated bypass, there is no permit violation.

Nevertheless, DCDOE has raised valid water quality concerns and identified ways in which water quality may be further protected during the bypass discharge. EPA appreciates DCDOE's efforts to protect water quality in the District of Columbia.